

STATE OF COLORADO

Bill Owens, Governor
Jane E. Norton, Executive Director

Dedicated to protecting and improving the health and environment of the people of Colorado

4300 Cherry Creek Dr. S. Laboratory and Radiation Services Division
Denver, Colorado 80246-1530 8100 Lowry Blvd.
Phone (303) 692-2000 Denver, Colorado 80230-6928
TDD Line (303) 691-7700 (303) 692-3090
Located in Glendale, Colorado

<http://www.cdphe.state.co.us>



Colorado Department
of Public Health
and Environment

February 1, 2002

Ms. Bonita Lavelle
EPA Region 8
999 18th Street, Suite 500
Denver, CO 80202-2466

Re: Draft Superfund Proposed Cleanup Plan for the Vasquez Boulevard & I-70 Site Residential Soils,
Denver, Colorado.

Dear Ms. Lavelle:

The Colorado Department of Public Health and Environment ("the Department") has received and reviewed the above-referenced document. Overall, the Department believes that the draft Proposed Plan provides the general framework for a proposed plan; however, the document needs considerable revision. We feel that several key issues need to be mentioned or discussed in more detail. For example, a discussion about other sources of contamination in the community, the Environmental Justice issue, and the cancer incidence in the community are not addressed. Further, the preferred alternative needs to be more clearly presented, especially with regard to the topic of risk reduction.

The Department recommends that we meet to discuss in detail how we can better present this information. We are available and willing to assist EPA in whatever way we can to produce a product that clearly communicates the rationale for the remedy selected at this site. The CDPHE requests the opportunity to review the revised draft Proposed Plan prior to public distribution. Our general and specific comments are attached.

Please feel free to contact me at 303-692-3395 if you have any questions.

Sincerely,

Man Rodop
for Barbara O'Grady
State Project Manager

Cc: Barry Levene EPA
Dan Scheppers CDPHE
Ginny Brannon AGO
VBI70 Site File CDPHE

2002 FEB - 1 PM 12:21
EPA REGION 8
SUPERFUND DIVISION

State of Colorado Comments on The Draft Superfund Proposed Cleanup Plan for the Vasquez Boulevard and I-70 Site Residential Soils, Denver, Colorado

General Comments

1. Throughout the document, characterization of risk issues and “acceptable” levels of risk are overly simplistic and may not be consistent with EPA’s own guidance. On page 4 of the Proposed Plan, the statement is made that “...EPA considers a safe level of a cancer-causing substance to be the level where cancer risks are 1 in 10,000 or less”. The 1991 Clay memo (OSWER Directive 9355.0-30) states that “...A risk manager may also decide that a baseline risk level less than 10^{-4} is unacceptable due to site specific reasons and that remedial action is warranted”. The proposed plan does not reflect years of discussions held in the VBI70 working group and health team meetings which have identified specific EJ concerns, other chemical exposures in the VBI70 community, and evidence of additional cancer burden in the community, all of which indicate that this community might benefit from additional risk reduction strategies. Also, see general comment 5, below.
2. Discussions in the document about cancer risks should be framed in terms of protection of public health (i.e., risk levels of concern to public health) rather than in terms of what is “acceptable” or “unacceptable” to EPA. The reason that there is often dispute about what is an appropriate cleanup level is that there is increasing residual risk the higher the soil concentration level selected. A point estimate for a cancer risk has to be considered as a probability of increased risk occurring, and should not be framed as a “safe” or “unsafe” level, as one might do with a non-cancer threshold value.
3. The Proposed Plan appears to limit the community health program (CHP) to addressing (a) lead exposure and (b) potential arsenic exposure in pica children only. As described, it would not address high arsenic exposure in other children. This is not consistent with the description of biomonitoring in the Feasibility Study (page 31) which states that “...Biomonitoring would be appropriate at the VB/I70 site for identifying higher than normal exposures that result from RME behavior... as well as for evaluation of the effectiveness of other remedial action engineering and response components.”
4. The presentation of the remedial alternatives considered to address site risks is very difficult to follow. Alternative 4, the preferred alternative, needs to be presented in a more thorough, considered fashion and include some discussion of residual risk issues and long-term reduction in uncertainty (potential health risks to a pica child for instance). As written, EPA is apparently prepared to pay an additional \$6.4 million for site cleanup without acknowledging any benefits to this alternative.

Specific Comments

Announcement of Proposed Plan

In the 4th paragraph of the introductory portion of the document please revise the first sentence to read: "In the final cleanup decision, made after the comment period is over, EPA **in consultation with the state** may modify the preferred..."

History of the VB/I70 Site

Please revise the third sentence of first paragraph to read: "After starting an investigation of the area, both agencies became aware that **there were other potential sources for the contamination including** a variety of products..."

In the box containing "EPA measured the levels..." the text refers to arsenic and lead as "chemicals". They are not chemicals, but rather elements or alternatively could be referred to as contaminants.

Soil Sampling Results

This section should briefly explain why only 3,000 of 4,000 properties have been sampled and let people know there will be ongoing efforts to sample the remainder of homes in the area.

First paragraph: Suggest rewording the sentence to eliminate the word "striking" which seems out of place.

4th bullet item: "Levels of arsenic and lead in indoor dust were found to be **much** lower than in soil."

How are people exposed to arsenic and lead in soil?

In the second paragraph "Nobody knows how many children engage in soil pica behavior or how often, but it is thought to be rare." Please revise the sentence to indicate that this is EPA's opinion since there is still a tremendous amount of controversy surrounding this issue.

The first check mark of the second full paragraph in the second column, please revise using language other than "incidental" with respect to soil ingestion whenever possible in this document. This must be one of the most unfortunate terms in the entire lexicon of risk assessment. An example of alternative language is "ingesting soil and dust through routine hand-to-mouth contact during activities such as playing or working outdoors".

Non-Cancer Effects of Arsenic Exposure

Please revise by calling systemic effects “health effects other than cancer” rather than “non-cancer” effects. It might be best to discuss cancer effects of arsenic exposure first, to help put other types of effects into perspective for people.

Cancer Effects of Arsenic Exposure

In the final layout, please assure that the column title is at the top of the page.

In the last sentence of the first paragraph, isn't that the level of **excess** cancer risk? Is it wise to refer to any level of a cancer causing substance as “safe”? This terminology has caused problems in the working group among community members and may not be well received by other members of the community.

In the second paragraph, squamous cell carcinoma is referenced. We had understood that this type of skin cancer is relatively easy to detect and is almost never fatal. Please verify.

In the fourth paragraph, reference is made to 1 chance in 2 of “getting cancer just by living in Colorado”. The American Cancer Society statistic is a 1 in 3 chance for women, and a 1 in 2 chance for men. Please revise.

Health Effects of Lead Exposure

This discussion should include the fact that there are often no outward visible signs of lead poisoning in children, which is why blood lead measurements are the best method available to determine when excess exposure is occurring.

Are VB/I70 residents at risk from exposure to arsenic and lead in soil?

This section, which includes “Arsenic Risks” and “Lead Risks,” requires revisions that could be best addressed in face-to-face discussion. CDPHE would be willing to provide EPA with language for these sections.

Arsenic Risks

The arsenic risk discussion is unclear and needs rewording. WE have offered some specific concerns and where possible suggestions as follows:

The last sentence of the first paragraph says that EPA considers getting cancer is “acceptable” under certain conditions. We suggest rewording.

Arsenic Risks – continued

Similarly, the last sentence of the second paragraph reads, “This level of risk is so low that it is acceptable to EPA.” We suggest revising the sentence so as not to use the word “acceptable” in referring to cancer risk. Perhaps saying that it is a cancer risk level below which EPA does not typically take action.

In the last sentence of the third paragraph, again, rephrasing to avoid having to distinguish risk as acceptable or unacceptable would be better.

What are the health risks to children who have soil pica behavior?

In the final paragraph, EPA references 662 properties where pica behavior could present a potential concern. CDPHE believes that this information should be revised. It is confusing and potentially alarming to the residents at the 662 properties.

What cleanup alternatives were considered by EPA?

Consider changing to active voice: “What cleanup alternatives did EPA consider?” The second bullet item, Community Health Program, should be made into several paragraphs. We suggest a new paragraph at “If any child was identified...” and at “In the response program, EPA would address...” Also, because the sentence is a hypothetical statement, consider using the subjunctive “If any child **were**...”

In the third bullet Soil Tilling/Treatment, please revise to read “the amount of lead in soil that can be absorbed **by** the body”.

Table 1: Options to Address Public Health Risks at the VB/I70 Superfund Site

The table is unclear. How can no action address all of the stated health effects in the same way as soil removal? We recommend removing the table.

The Five Cleanup Alternatives

Cleanup Alternative 2:

In the third paragraph, please revise the second sentence to begin “This alternative also includes...”

Cleanup Alternative 4:

In the first paragraph EPA states “CDPHE requested that EPA consider a cleanup alternative in which 128 ppm arsenic is the trigger”. Please revise the sentence to indicate that CDPHE asked EPA to consider an alternative where the trigger was within the range of 42 to 128 ppm for soil removal.

Table 2: Comparison of Remedial Alternatives Against the Superfund Evaluation Criteria

1. Overall Protection of Human Health and the Environment: We do not agree with the conclusion that since Alternative 5 doesn't include the community health program that it would not reduce the occurrence of soil pica behavior. This seems to discount the fact that cleaning up more properties is more protective.

5. Short Term Effectiveness: If the evaluation is based on truck traffic, why is Alternative 2 less effective than alternative 3?

7. Cost Effectiveness: CDPHE does not agree with the conclusion that Alternative 4 and Alternative 5 do not provide greater overall protection for the increased cost. Again, this seems to discount the benefit of cleaning up more properties.

8. State Acceptance: The notes need to be expanded to explain why CDPHE prefers Alternative 4. Please refer to state comments on the Feasibility Study for rationale supporting the state's preference for alternative 4 or the CDPHE would be happy to provide EPA with language as to State Acceptance of Alternative 4.

The state suggests adding another row to the table titles Community Acceptance and leaving it blank or "To Be Determined" so that the community can see where their acceptance fits into the larger picture.

In the summary statement that follows Table 2, please include more information about the state's rationale for preferring Alternative 4.

Key Contacts

Please revise the title for Barbara O'Grady to State Project Manager and for Marion Galant to State Community Involvement Manager. Also, add the following: or toll free at 1-888-569-1831.